

Certificate of Mailing or Transmission

I, the undersigned, hereby certify that this correspondence along with other possible documents has been deposited with the U.S. Postal Service by express mail, postage pre-paid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and having express mail number _____, or facsimile transmitted to the U.S. Patent and Trademark Office or electronically transmitted to the USPTO through its own EFS filing system on January 21, 2008.

Typed Name: Kevin D. McCarthy
Date: January 21, 2008

Patent 0-06-161 (17088/US/03+)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Dayan
Serial no.: 10/586,841
Filed: February 20, 2007
IA Filed: January 21, 2005
Submitted to USPTO: July 20, 2006
Title: METHODS FOR TREATING ORAL APHTHOUS
STOMATITIS AND ORAL MUCOSITIS
Examiner: Pagonakis, Anna
Art Unit: 4173

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Election

Upon reviewing the Office Action mailed on December 20, 2007, it appears the Examiner examined the original set of claims, instead of those submitted in the Preliminary Amendment of July 20, 2006. Nevertheless, in order to comply with the Examiner's request for election/restriction, we elect, with traverse, the claims directed to method of treatment (referred to as Group II by the Examiner), namely, claims 47-53 as appearing in the Preliminary Amendment document – which contained a typographical error regarding the numbering system and that error is being corrected in this election (there was no error in the payment since 26 claims were previously paid for). Additionally, please note that we would like to rejoin the non-elected product claims (claims 28-46) once the process claims are allowed.

US patent 5,830,903 (Frank et al.)

The Examiner notes that a method of treatment using quinoline derivatives is anticipated by US 5,830,903.

US 5,830,903 describes a composition comprising quinoline derivatives, substituted by triazole-group in all cases, whereas the quinoline derivatives used in the present invention do not comprise the same. Therefore, the cited publication is believed to be irrelevant to all currently pending claims.

It is believed the claims are in condition for allowance, therefore it is earnestly solicited that the claims be allowed.

Respectfully submitted


Kevin D. McCarthy

Reg. No. 35,278

Roach, Brown, McCarthy & Gruber, P.C.
1620 Liberty Building - 420 Main Street
Buffalo, New York 14202